

In the United States District Court
for the Southern District of Georgia
Brunswick Division

2004 APR -14 P 2:46


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| UNITED STATES OF AMERICA, | : | CRIMINAL ACTION |
| Plaintiff-Appellee, | : | |
| v. | : | |
| JAMES PERRY FIELDS, | : | |
| Defendant-Appellant. | : | NO. CR204-039 |

O R D E R

The government charged Fields with failure to pay child support, which is a federal offense if a parent "willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 1 year, or is greater than \$5,000[.]" 18 U.S.C.A. § 228(a)(1) (2000). On May 5, 2005, with the parties' consent, U. S. Magistrate Judge G. R. Smith presided over a bench trial of the petty offense, and found Fields guilty.

Subsequently, Fields appealed his conviction to the Eleventh Circuit. On March 16, 2006, the Court of Appeals

dismissed Fields' appeal for want of jurisdiction. "In all cases of conviction by a United States magistrate judge an appeal of right shall lie from the judgment of the magistrate judge to a judge of the district court of the district in which the offense was committed." 18 U.S.C.A. § 3402 (2005 Supp.).

Presently before the Court is Defendant's motion to redirect his appeal to this Court. Fields' motion is **GRANTED**. Dkt. No. 40. Defendant shall file his brief stating his objections to the ruling below, along with supporting authorities, within twenty (20) days of the date of this Order. The Government shall file its reply within ten (10) days of receipt of Fields' memorandum of points of authorities.

SO ORDERED, this 4th day of April, 2006.

Arthur Q. Adams
JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA